

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:

DAVID P. GUILLOT,

Debtor(s),

Bankruptcy No. 09-23965JAD

Chapter 11

X

AGCHOICE FARM CREDIT, ACA,

Movant(s),

- vs -

Doc. No. 41

DAVID P. GUILLOT,

Respondent(s).

X

**ORDER SETTING (A) DISCOVERY DEADLINES AND OTHER RELATED DATES AND (B)
EVIDENTIARY HEARING/TRIAL ON CONTESTED MATTER**

AND NOW, this 20th day of August, 2009, an Amended Motion for Relief Of Automatic Stay having been filed on July 30, 2009, by AgChoice Farm Credit, ACA, and a responsive pleading having been filed by the debtor on August 20, 2009, the Court **HEREBY ORDERS** that:

1. An evidentiary hearing/trial is scheduled for Tuesday, October 13, 2009, at 1:30 PM in Courtroom D, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219. Only two (2) hours of time has been set aside for this matter. The parties are encouraged to present direct testimony by way of affidavit if possible. To the extent a party elects to introduce direct testimony by way of affidavit or unsworn declaration pursuant to 28 U.S.C. § 1746, the parties are to confer prior to the scheduled trial date and resolve any and all evidentiary objections with respect to any affidavit or declaration to be submitted to the Court at trial. To the

extent a party desires to cross-examine any witness testifying by way of affidavit or declaration, such witness providing an affidavit or declaration must be present at trial so that the opposing party may cross-examine the witness.

2. **Discovery** on this matter shall commence immediately, and **shall close September 28, 2009.**
3. At least ten (10) days prior to the evidentiary hearing set forth above, each party shall file proposed exhibits and hand deliver a courtesy copy of the same to the Court for use by the Court at the hearing. Such exhibits shall be pre-marked and shall be placed in a binder for ease of use at trial. At least ten (10) days prior to the trial date set forth above, and to the extent expert testimony is to be offered at trial, each party shall file their respective expert reports (including appraisals).
4. The parties shall meet and confer to discuss resolution of the case and simultaneously review and agree upon all other documents to be offered by each party, without objection at the evidentiary hearing. At least ten (10) days prior to the evidentiary hearing, counsel to the Movant shall prepare and file a Stipulation signed by all counsel of record identifying and referencing the agreed upon, marked exhibits to be offered at the evidentiary hearing, or alternatively, that no exhibits are to be used at the hearing, whichever the case may be. Included in the Stipulation shall be a statement detailing the extent, dates, times and narrative description of cooperation demonstrated by each party in preparing the Stipulation.
5. To the extent the parties agree to present their case upon stipulated facts and without live testimony, all or in part, the Stipulation to be filed and referred to in

paragraph 4 above, shall also set forth all of the agreed upon facts to be relied upon by the Court in rendering its decision.

6. At least ten (10) days prior to the trial date, the parties shall file electronically with the Court, and serve on the other party, pre-trial memoranda which (a) identifies the material facts which are not in dispute, (b) identifies the material facts which the party intends to prove, (c) identifies and calculates the ultimate claim for relief (including claims and/or claims for damages) or any defenses thereto, and (d) identifies and discusses applicable legal authority upon which such party relies upon with respect to their respective claim for relief or defense.
7. To the extent the identity of any party is a shorthand name of a corporate entity, the parties are also directed to meet and confer to determine the proper name and identity of the party in this matter, and, if necessary, file a stipulation correcting the caption of this adversary proceeding or contested matter with the Court at least ten (10) days prior to the evidentiary hearing scheduled above.
8. The failure of any party to comply with the terms of this Order may result in the imposition of sanctions on said party, including without limitation, prohibition against such party from offering testimony at the evidentiary hearing and/or the entry of judgment against the offending party.

August 20, 2009



JEFFERY A. DELLER 2
United States Bankruptcy Judge

CASE ADMINISTRATOR TO MAIL:
Counsel for Movant
Counsel for Respondent
Office of the United States Trustee

00002823.WPD

FILED

AUG 20 2009

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

CERTIFICATE OF NOTICE

District/off: 0315-2
Case: 09-23965

User: dkan
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 21, 2009

The following entities were noticed by first class mail on Aug 23, 2009.
db +David P. Guilot, 382 Ferry Road, Robinwood Farm, Sewickley, PA 15143-2467

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 23, 2009

Signature:

